



City of Seattle Chapter 140 Administrative Rules for conducting Directed Investigations - Fact Sheet

Revised rules in [Chapter 140](#) set out procedures that reflect labor standards ordinance revisions from the Wage Theft Prevention and Harmonization Ordinance of 2015, including company-wide investigations that protect the identifying information of complainants and witnesses, and an updated employee appeal process.

The Directed Investigation program as outlined in Chapter 140 clarifies the Office of Labor Standards' (OLS) ability to initiate an investigation without a complaint. Directed investigations may occur if the Director has reason to believe that a violation has occurred or will occur, or when circumstances show that violations are likely to occur within a class of businesses because the workforce contains significant numbers of low-income employees who are vulnerable to labor standards violations or because the workforce is unlikely to volunteer information regarding such violations. To date, OLS has primarily initiated investigations after receiving complaints of labor standards violations. This fact sheet provides more information on Directed Investigations.

Overview

A directed investigation uses data and information from the public to focus on industries or employers where there is reason to believe there are labor standard violations taking place. To develop its program, OLS will gather and analyze its own enforcement data gathered from the past two years as well as information from the United States Department of Labor, New York City, and other agencies and jurisdictions that have incorporated directed investigations into their approach. OLS also consulted with Janice Fine, Associate Professor of Labor Studies and Employment Relations at Rutgers University, and a national expert on labor standards enforcement, as it developed its program.

OLS will conduct directed investigations based on information and data from:

- The public, community organizations, employees, and employers.
- Information from other enforcement agencies regarding labor standards violations by national employers that operate in Seattle.
- Research on industries that employ large numbers of vulnerable and low-income workers, including workers of color, women, immigrants, refugees, people with disabilities and other groups.
- OLS's own case information, including cases where workers made an initial complaint but did not follow up.



Directed Investigations vs Complaint Based Investigations

The main procedural difference between directed investigations and complaint based investigations is the source of information:

- a. A complaint based investigation is initiated after OLS receives a complaint from a worker(s) or a worker organization.
- b. A directed investigation is initiated without a complaint.

Like complaint based investigations, OLS will follow the procedures as set out in the proposed [Chapter 140 Administrative Rules](#). OLS provides resources and educational support including trainings, templates, question and answer sheets, fact sheets and an accessible description of its investigative process to employers on the OLS website.

Primary Focus of Directed Investigations

The primary industries of focus may include construction, food services and drinking places, health care, home health care, hotel and motel, manufacturing, transportation, warehousing, personal and repair services, retail trade, security, building and grounds services, social assistance, education, and childcare.

OLS will use directed investigations to enforce the following labor laws:

- a. Minimum Wage ([SMC 14.9](#))
- b. Wage Theft ([SMC 14.20](#))
- c. Paid Sick and Safe Time ([SMC 14.16](#))
- d. Fair Chance Employment ([SMC 14.17](#))

*OLS does not plan to conduct directed investigations involving the Secure Scheduling Ordinance until July 1, 2018.

Other Information of Interest

OLS will maintain its policy not to disclose the source of information that led to the investigation, unless those people or entities choose to make their identities known. OLS will also continue its policy to protect the identities of employees and witnesses who request non-disclosure during and after an investigation, to the extent permitted by law.

OLS has stopped beginning investigations with a “charge” and will no longer use the adversarial naming convention naming convention of “OLS vs. Name of Employer” to describe an investigation. OLS has revised its information-request form for employers to make it easier to use and less intrusive for businesses; in addition, OLS will aim to visit workplaces within the first two weeks of the formal initiation of an investigation to review records and conduct interviews, to reduce the amount of time it takes to resolve a complaint.



Seattle
Office of Labor Standards

If you have a question that is not covered by this Fact Sheet please visit our [Chapter 140 page](#), our [website](#), call 206-256-5297, or email us at workers.laborstandards@seattle.gov.

Note - The information in this document should not be used as a substitute for laws and regulations. Businesses are responsible for complying with all legal requirements.

810 Third Avenue, Suite 375, Seattle, WA 98104-1627

Tel: (206) 256-5297, Fax: (206) 684-3422, TYY (206) 684-4503, website <http://www.seattle.gov/laborstandards>

An equal opportunity employer. Accommodations for people with disabilities and language interpretive services provided upon request.